

## AMENDMENTS TO THE CLAIMS

1-6. (Canceled)

7. (Currently Amended) A method of wireless communication with a number of subscribers to a subscription-based multicast service that supports a plurality of multicast service subscription types, the method comprising:

determining the number of subscription-based multicast service subscribers within a cell;

determining at least one of a geographical distribution of a number of multicast service subscribers ~~and or~~ a subscription distribution of the number of multicast service subscribers within the cell;

determining a multicast service subscription type of each of the multicast service subscribers and determining individual subscriber information comprising at least one of a power requirement, desired content, or an equipment class of each of the multicast service subscribers;

~~assigning at least one a different multicast service rate to at least one each of a plurality of subscription-based~~ the multicast service subscription types based on said at least one geographical distribution or subscription distribution, the multicast subscription types of the plurality of multicast service subscribers, and the individual subscriber information of each of the multicast service subscribers. ~~in response to at least one of channel conditions, power requirements, service subscription type, desired content, other services and equipment class of each subscriber and in further response to at least one of the determined geographical distribution and the determined subscription distribution. wherein the subscription-based service comprises at least a multicast service, the at least one service rate comprises at least one multicast rate, and~~

~~said at least one of the plurality of subscription-based service types comprises at least a multicast service subscription type, and wherein the step of assigning comprises:~~

~~prioritizing the assigning of the at least one multicast rate to support the multicasting information to at least one of a maximum number of multicast service subscribers; a maximum number of multicast service subscribers having the premium service type; and a maximum number of multicast service subscribers having the basic service type; and~~

~~multicasting information to each of the multicast service subscribers at each multicast service subscription type's assigned the multicast service rate assigned to the multicast service subscription type of each of the multicast service subscribers.~~

8. (Previously Presented) The method of Claim 7, comprising:

scaling an availability of at least one of the multicast service subscription types in response to a demand from the multicast service subscribers associated with at least another multicast service subscription type.

9. (Original) The method of Claim 8, wherein the step of scaling comprises at least one of dropping and adding the availability of at least one of the multicast service subscription types.

10. (Original) The method of Claim 8, wherein the demand corresponds with at least one of power and subscription revenue.

11. (Original) The method of Claim 7, comprising:

scaling an availability of at least one of the multicast service subscription types in response to base station resources in use.

12. (Original) The method of Claim 11, wherein the step of scaling comprises at least one of dropping and adding the availability of at least one of the multicast service subscription.

13. (Currently Amended) The method of Claim 11, ~~wherein assigning the different multicast service rates comprises assigning the different multicast service rate to support multicasting information to at least one of a maximum number of multicast service subscribers, a maximum number of multicast service subscribers having a premium service type, and a maximum number of multicast service subscribers having a basic service type wherein the equipment class corresponds with at least one supporting channelization code.~~

14-24. (Canceled)

25. (Withdrawn) A method of wireless communication with a number of subscribers to a subscription-based service, the method comprising:

assigning at least one first service rate to at least one first subscription-based service type associated with at least one first subscriber, said at least one first service rate being selected based on information indicative of network infrastructure demands associated with said at least one first subscriber;

assigning at least one second service rate to at least one second subscription-based service type associated with at least one second subscriber, said at least one second service rate differing from said at least one first service rate and being selected based on information indicative of network infrastructure demands associated with said at least one second subscriber; and

concurrently multicasting information to said at least one first subscriber and said at least one second subscriber at said at least one first service rate and said at least one second service rate, respectively.

26. (Withdrawn) The method of claim 25, wherein multicasting information to said at least one first subscriber and said at least one second subscriber comprises multicasting information to said at least one first subscriber at a first service rate that is lower than a second service rate used to multicast information to said at least one second subscriber.

27. (Withdrawn) The method of claim 25, wherein assigning said at least one first service rate comprises selecting said at least one first service rate from a plurality of service rates based on at least one of channel conditions, power requirements, service subscription type, desired content, other services and equipment class of said at least one first subscriber.

28. (Withdrawn) The method of claim 27, wherein assigning said at least one second service rate comprises selecting said at least one second service rate from the plurality of service rates based on at least one of channel conditions, power requirements, service subscription type, desired content, other services and equipment class of said at least one second subscriber.

29. (Withdrawn) The method of claim 25, comprising determining the number of subscription-based service subscribers within a cell.

30. (Withdrawn) The method of claim 29, comprising selecting said at least one first service rate or said at least one second service rate based on the number of subscription-based service subscribers within the cell.

31. (Withdrawn) The method of claim 29, comprising determining at least one of a geographical distribution of the number of multicast service subscribers or a subscription distribution of the number of multicast service subscribers within the cell.

32. (Withdrawn) The method of claim 31, comprising selecting said at least one first service rate or said at least one second service rate based on at least one of the geographical distribution of the number of multicast service subscribers or the subscription distribution of the number of multicast service subscribers within the cell.